

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for
Approval of 2013-2014 Statewide Marketing, Education,
and Outreach Program and Budget (U39M).

Application 12-08-007
(Filed August 2, 2012)

And Related Matters.

Application 12-08-008
Application 12-08-009
Application 12-08-010

**DECISION GRANTING INTERVENOR COMPENSATION TO
CENTER FOR ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION
TO DECISION 13-12-038**

Claimant: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 13-12-038
Claimed: \$29,571.45	Awarded: \$29,005.50 (reduced 1.9%)
Assigned Commissioner: Carla Peterman	Assigned Administrative Law Judge (ALJ): Stephen Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	The Decision adopts a statewide marketing, education, and outreach plan for residential and small business energy management, to be implemented by CCSE, with the plan set to extend through the end of 2015. The plan includes metrics and budget allocations.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util.
Code §§ 1801-1812:**

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	November 26, 2012	Verified

PROPOSED DECISION

2. Other Specified Date for NOI:	N/A	
3. Date NOI Filed:	December 20, 2012	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.13-03-008	Verified
6. Date of ALJ ruling:	June 14, 2013	Verified
7. Based on another CPUC determination (specify):	See comment below.	See comment below
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.13-03-008	I.11-06-009
10. Date of ALJ ruling:	June 14, 2013	August 29, 2012
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-12-038	Yes
14. Date of Issuance of Final Order or Decision:	December 27, 2013	Yes
15. File date of compensation request:	February 5, 2014	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
	CforAT		While Mark Ferron is no longer serving on the Commission, at the time this Request is being filed, this proceeding has not yet been reassigned.
8, 11	CforAT		Because no ruling was ever issued regarding CforAT’s NOI in this proceeding, citations are to a recent ruling in another proceeding regarding CforAT’s eligibility for compensation
7		X	On August 29, 2012, CforAT was determined to be a customer eligible to request intervenor compensation. (D.12-08-025 in I.11-06-009; CforAT filed as a Category 3 customer, i.e., representing a group or organization authorized by its articles of incorporation or bylaws.) On June 14, 2013, CforAT was determined to be a Category 3 customer eligible to request intervenor compensation. (Ruling filed June 14, 2013 in R.13-03-008.) The NOI in this proceeding was filed on December 20, 2012 (in which CforAT claimed status as a Category 3 customer). No Ruling on the December 20, 2012 NOI has been filed. Nonetheless, there is no information or evidence to suggest that CforAT would be found anything other than an eligible customer in this matter as it was in the other two proceedings. We find CforAT is a Category 3 customer in this proceeding.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. CforAT worked to ensure that all ME&O authorized through this proceeding includes targeted and accessible communications that will reach those customers of the IOUs who have disabilities that affect their ability to utilize standard forms of communication.</p>	<p><i>See</i> e.g. Protest of the Center for Accessible Technology (CforAT Protest), filed on September 6, 2012, at pp. 1-5. As noted in the Final Decision, CCSE responded to the concerns raised by CforAT in preparing its updated plan, which included "direct commitments to providing effective and accessible outreach to people with disabilities, as well as the customer segment within the overall population of California that CCSE describes as 'disconnected,' which CforAT believes is likely to include many people with disabilities." Final Decision at pp. 44-45. <i>See</i> also CforAT's Comments on the Revised Draft Statewide ME&O Plan (CforAT Comments on Draft Plan), filed on 3/28/13 at pp. 1-2 (recognizing revisions to the plan to include targeted outreach to people with disabilities).</p> <p>The importance of addressing these concerns was further emphasized by the Commission, which directed that "CCSE should add metrics and indicators that are focused on low-income and hard-to-reach customers," and specifically identified Commission Resolution E-4611, in which CCSE was directed to target hard-to reach populations including people with disabilities and to ensure that material is available using accessible formats and through appropriate community-based organizations, as appropriate guidance. Final Decision at p. 68, fn.22.</p>	<p>Yes</p>
<p>2. Along with other parties, CforAT advocated for more detailed and explicit budgeting, particularly as the program moves forward, in order to ensure that ratepayer</p>	<p><i>See</i> e.g. CforAT Protest at p. 5; CforAT Comments on Draft Plan at p. 6. The Final Decision recognizes that CforAT's concerns about the budget process were stated consistently. Final Decision at p. 23 (referencing CforAT's Protest); p. 45</p>	<p>Yes</p>

money is well spent.	(referencing CforAT's Comments on Draft Plan). In response to the concerns articulated by CforAT and other parties, the Final Decision directed CCSE and the IOUs to provide updated showings on budget allocations and adopted steps to ensure that the outreach budget includes targeted distribution through CBOs to best reach hard-to-reach populations. Final Decision at 78, 80.	
3. CforAT was one of several parties that consistently advocated for more explicit metrics to be put in place so that the statewide ME&O program can be given appropriate oversight and review. In particular, CforAT advocated for metrics that would measure consumer action toward program goals, not just interaction with marketing materials.	<p>CforAT Protest at p.6, as noted in the Final Decision at p. 24. See also CforAT's Comments on Draft Plan at pp. 3-5; CforAT's Comments on Proposed Decision on Phase 2 Issues (Comments on PD), filed on 11/25/13, at pp. 3-4. Collectively, CforAT's efforts to support metrics involving customer action make up a component of the stakeholder input referenced in the Final Decision in which the Commission "strongly agree[s] with comments by stakeholders that since the long-term goal of statewide marketing is for residential and small business consumers to take action, at some point performance metrics must measure actions that can be attributed to statewide marketing." Final Decision at pp. 71-72.</p> <p>In response to the concerns expressed by CforAT and other parties, the Final Decision also notes that neither the utilities nor CCSE "want to be held accountable for achieving precise metrics too early" and attempted to balance this desire with the need for the program to inspire "cost-effective and prudent uses of ratepayer funds." To best achieve this end, the Final Decision initiates a collaborative process for developing more detailed and appropriate metrics, including metrics that focus on low-income and hard-to-reach customers, as sought by CforAT. Final Decision at pp. 67-68. As noted above, the Final Decision also refers CCSE to Resolution E-4611 as guidance for developing metrics and indicators, including targeted efforts to reach CforAT's constituency. Final</p>	Yes

	Decision at p. 68, fn. 22.	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	No
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: TURN, The Greenlining Institute		Other parties (not necessarily all with similar positions as those of CforAT) included: the Joint Parties (the National Asian American Coalition, the Black Economic Council, and the Latino Business Chamber of Greater Los Angeles); the California Independent System Operator Corporation; California Center for Sustainable Energy; San Francisco Bay Area Regional Energy Network; Southern California Regional Energy Network; Ecology

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

	Action of Santa Cruz, Inc.; and La Cooperativa Campesina de California.
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>As anticipated in CforAT's NOI, no other party in this proceeding addressed our key concern regarding effective outreach to, and accessible communication with, the disability community. On this key issue, there was no duplication. On other issues where CforAT's concerns corresponded with the interests of other consumer advocates, including work addressing the need for appropriate metrics and the appropriateness of various goals and funding requests, CforAT worked directly with ORA, TURN and Greenlining to coordinate participation and filings and to avoid duplication of effort.</p>	Yes. Although ORA did not actively participate, CforAT undertook reasonable coordination with other parties.

C. Additional CPUC Comments on Part II:

#	CPUC	Comment
a	X	The Office of Ratepayer Advocates was not a party and did not file any pleadings in this proceeding.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

<p>a. Intervenor's Claim of Cost Reasonableness:</p> <p>While it is difficult to attach a dollar value to the benefits obtained by CforAT's constituency in this matter, the policy benefits are clear. Ratepayer funding, including funding obtained from customers with disabilities, is being used to promote a statewide marketing and education effort with the goal of inspiring action among customers that will benefit the state and the grid as a whole. CforAT worked to ensure that customers with disabilities will be targeted to receive the educational information and be urged to action, consistent with non-disabled ratepayers. Because such customers are often hard to reach, any campaign that did not include targeted efforts would risk excluding this population, leading them to pay into the campaign without receiving the corresponding benefit. The outcome of the proceeding is a process and a decision that seeks to ensure that customers with disabilities are provided with accessible information and that "disconnected" customers (including many customers with disabilities) are targeted in order to minimize this possibility. Additionally, all customers will benefit from the efforts of CforAT and other consumer advocates</p>	<p>CPUC Verified</p> <hr/> <p>Yes</p>
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<p>to ensure that the program is well-designed, with appropriate metrics, budget, and oversight, so that it is an effective use of ratepayer funds.</p> <p>Because CforAT's overall number of hours were reasonable and the proceeding was staffed and managed efficiently, as described in detail below, the benefits provided through its efforts bear a reasonable relationship with the reasonable costs incurred.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>In our NOI, filed on December 20, 2012, CforAT estimated that it would expend approximately 200 hours working on this proceeding, including 150 hours by counsel and 50 hours from our Executive Director who has substantial expertise on accessible communication issues. In fact, CforAT expended substantially less time than estimated in the proceeding, with a total of under 60 hours by Ms. Kasnitz and fewer than 5 hours by Mr. Belser. This modest amount of time was spent on the identified issues and resulted in beneficial outcomes for our constituency. Time was spent appropriately on issues and activities within the scope and procedural structure of the proceeding.</p>	Yes
<p>c. Allocation of Hours by Issue</p> <p>As noted above, CforAT expended many fewer hours than initially estimated in its NOI in this proceeding. While spending less time overall, the time that was spent was focused on the issues which were initially identified in our NOI. The NOI estimated that CforAT's time would be spent as follows: 50% of time on accessible communication, 20% on goals and funding, 20% on metrics, and 10% on general participation.</p> <p>In recording time entries, certain activities were identified as focused directly on accessible communication. For other activities, such as preparing comments, all substantive issues (accessible communication, goals/funding, and metrics) were addressed as part of the overall work. These time records have been identified as "Mix." CforAT estimates that entries designated as "Mix" average an approximately equal split on accessible communication, goals/funding, and metrics, with more time spent on accessible communication early in the proceeding, and less time spent on this issue after CCSE's marketing plan was issued, indicating that virtually all of CforAT's concerns about accessible communication had been recognized and its recommendations adopted.</p> <p>Time entries identified as "General Participation" include activities necessary to participate in the proceeding such as review of Commission documents and party filings. Additionally, a substantial amount of time labeled "General Participation" includes activities such as attendance at workshops where CforAT was focused on the substantive issues but cannot readily parse out separate time allocations by issue.</p> <p>Actual time spent in the proceeding was allocated among the identified issues as follows:</p>	Yes

Accessible Communication: 16% (10 hours out of 64.1 total) Mix: 37% (23.5 hours out of 64.1 total) General Participation: 48% (30.6 hours out of 64.1 total; note of these 30.6 hours, 13, or 20% of all time billed in this proceeding, were spent in attendance at various workshops).	
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2012	16.9	\$430	D.13-04-008	\$7,267.00	16.1[A]	\$430.00	\$6,923.00
Melissa W. Kasnitz	2013	42.7	\$440	D.13-11-017	\$18,788.00	42.4[A]	\$440.00	\$18,656.00
Dmitri Belser	2012	4.5	\$225	D.13-02-014	\$1,012.50	4.5	\$225.00	\$1,012.50
Subtotal: \$27,067.50						Subtotal: \$26,591.50		
INTERVENOR COMPENSATION CLAIM PREPARATION**								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2012	1.2	\$215	½ standard rate	\$258	1.2	\$215.00	\$258.00
Melissa W. Kasnitz	2013/ 2014	9.8	\$220	½ standard rate [while work on this compensation request was conducted in 2014, CforAT is billing this time at ½ its 2013 rate. CforAT reserves its right to request rate adjustments for 2014.]	\$2,156	9.8	\$220.00	\$2,156.00
Subtotal: \$2,414.00						Subtotal: \$2,414.00		
COSTS								
#	Item		Detail		Amount	Amount		
	Postage		Mailing hard copies of filed documents; see report		\$15.40	\$15.40		
	Printing/Copying		Printing hard copies of selected documents on printer at Disability Rights Education & Defense Fund (DREDF); see report		\$49.25	\$49.25		

PROPOSED DECISION

B	Transportation	Travel to scheduled events at Commission	\$21.30	\$0.00
		Cost Subtotal:	\$89.95	\$64.65
TOTAL REQUEST: \$29,571.45				TOTAL AWARD: \$29,005.50
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>				
Attorney		Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Melissa W. Kasnitz		December 24, 1992	162679	None, but includes periods of inactive status prior to 1997

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1.	Certificate of Service
2.	2012 Time Records for Melissa W. Kasnitz
3.	2012 Time Records for Dmitri Belser
4.	2013 Time Records for Melissa W. Kasnitz
5.	Time on Compensation Issues
6.	Costs

D. CPUC Disallowances and Comments:

Item	Reason
A	<p>We disallow time spent setting and scheduling calls and/or meetings since these activities are clerical tasks which are non-compensable for attorneys. The disallowance is 0.8 hours in 2012 and 0.3 hours in 2013.</p> <p><i>See D.13-04-008 (Part III. D) and D.13-11-017 (Part III.D.1) where the same or similar adjustments were made regarding CforAT Claims. Also see D.14-07-025 (Part III. C) where we made a similar adjustment to the time of Joint Parties noting: "The Commission does not compensate for the work of attorneys when such work is clerical, as the costs associated with these tasks are built into the established rates. (See D.11-07-024.)</i></p>

² This information may be obtained at: <http://www.calbar.ca.gov/>.

PROPOSED DECISION

B	The claimed \$21.30 is for travel expenses to scheduled events at the Commission. No showing in this Claim establishes that this is for anything other than routine travel. The Commission disallows compensation for time and expenses during routine travel. (<i>See</i> D.12-06-012 and D.10-11-032.)
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PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes
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FINDINGS OF FACT

1. Center for Accessible Technology has made a substantial contribution to D.13-12-038.
2. The requested hourly rates for Center for Accessible Technology's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$29,005.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Center for Accessible Technology is awarded \$29,005.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Center for Accessible Technology their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 21, 2014, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1312038		
Proceeding(s):	A1208007; A1208008; A1208009; A1208010		
Author:	ALJ Roscow		
Payer(s):	Pacific Gas and Electric Company; Southern California Edison Company; Southern California Gas Company; and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology (CforAT)	2/05/2014	\$29,571.45	\$29,005.50	n/a	n/a

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	CforAT	\$430.00	2012	\$430.00
Melissa	Kasnitz	Attorney	CforAT	\$440.00	2013	\$440.00
Dmitri	Belser	Expert	CforAT	\$225.00	2012	\$225.00

(END OF APPENDIX)